

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT SMITH, JR.

Plaintiff,

v.

HEIDI DAVIS, *et al.*,

Defendants.

CASE NO. C04-1483-JLR

ORDER

Now before the Court is Plaintiff's Motion to Amend Complaint and Response to Order (Dkt. #38). In his motion, which this Court construes as a motion for reconsideration, Plaintiff asks the Court to reconsider its previous denial of his request to amend his § 1983 civil rights complaint to include corrections officers Lloyd Wray and William Culpepper as defendants. *See* Dkt. # 35. Having reviewed Plaintiff's motion and the balance of the record, the Court hereby finds and ORDERS:

(1) Motions for reconsideration are disfavored. Under Local Rule 7(h)(1), "[t]he court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence.

In an Order dated July 12, 2005, this Court denied Plaintiff's motion to amend his complaint to include Lloyd Wray and William Culpepper as defendants because he failed to

ORDER

Page - 1

1 allege sufficient facts that provided the basis for a claim against them. Plaintiff's current motion
2 simply reiterates the same facts regarding these proposed defendants that he alleged in his
3 objections/response (Dkt. #33) to defendant Davis' response (Dkt. #31) to his previous motion
4 for leave to file an amended complaint (Dkt. #29). Thus, Plaintiff has failed to show manifest
5 error, new facts or new legal authority pursuant to Local Rule CR 7(h)(1).

6 (2) Accordingly, Plaintiff's Motion to Amend Complaint and Response to Order
7 (Dkt. #38) is DENIED.

8 DATED this 25th day of October, 2005.

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12 MONICA J. BENTON
13 United States Magistrate Judge
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